

Authorizing The Chairman Of The Ulster County Legislature To Enter Into A Non- Exclusive Easement And Right Of Way Relocation Agreement With Kingston NY Retail LLC Relocating Access To Property Owned By Ulster County Along Washington Avenue In The Town Of Ulster For The Purpose Of Allowing The Project Known As Kingston Commons To Be Constructed - Department of Planning

Referred to: The Economic Development, Tourism, Housing, Planning and Transit Committee (Chairman Maloney and Legislators Berky, Delaune, Lapp, Litts, Maio and Rodriguez), and The Public Works and Capital Projects Committee (Chairman Fabiano and Legislators Greene, Litts, Loughran, and Maloney)

Chairman of the Economic Development, Tourism, Housing, Planning, and Transit Committee, James F. Maloney, and Deputy Chairman Hector Rodriguez offer the following:

WHEREAS, this resolution has been submitted by the County Executive on behalf of the Department of Planning; and

WHEREAS, Kingston NY Retail LLC has proposed a retail development known as Kingston Commons on lands adjacent to Washington Avenue on the South in the Town of Ulster at 625 & 631- 669 Washington Ave., Kingston, NY, (SBL #48.14-1-19 & 20); and

WHEREAS, Ulster County has an existing right of way, (hereinafter the “existing easement”), over and through the lands of Kingston NY Retail LLC to access lands the County owns in fee, (hereinafter, “the County Lands”), adjacent to the Esopus Creek that was designated as the Harry M Thayer Memorial Park by Resolution No. 291 of June 12, 1980; and

WHEREAS, in order to construct the Kingston Commons Project, Kingston NY Retail LLC is proposing to relocate the existing easement as well as fill portions of the County Lands; and

WHEREAS, in consideration of allowing the relocation the existing easement and placing fill on County Lands, Kingston NY Retail LLC is proposing to:

1. grant Ulster County an additional non-exclusive easement to the signalized intersection at Washington Avenue and Sawkill Road;
2. remove fill placed on the County Lands within the floodway by others;
3. seed and landscape all fill on County Lands;
4. provide water, sewer, gas, and electric service to the property line of the County Lands; and construct an access road and parking area on County Lands, and

Resolution No. 164 April 18, 2017

Authorizing The Chairman Of The Ulster County Legislature To Enter Into A Non- Exclusive Easement And Right Of Way Relocation Agreement With Kingston NY Retail LLC Relocating Access To Property Owned By Ulster County Along Washington Avenue In The Town Of Ulster For The Purpose Of Allowing The Project Known As Kingston Commons To Be Constructed - Department of Planning

WHEREAS, as proposed the improvements provide a clear benefit to the County Lands all of which will remain available for park use now and in the future; and

WHEREAS, the Town of Ulster has issued a conditional final approval of the site plan for the Kingston Commons Project and conducted a coordinated review under State Environmental Quality Review Act (SEQRA) issuing a conditional negative declaration while it awaits approval of the easement modifications by the County; and

WHEREAS, the following has been filed with the Clerk of the Legislature:

1. Non-Exclusive Easement and Right of Way Relocation Agreement
2. Easement Extinguishment and Non-Exclusive Right-of-Way Maintenance Agreement
3. Temporary Cross Access Easement Agreement
4. Metes and Bounds Description of Non-Exclusive Easement
5. Metes and Bounds Description Right of Way Relocation
6. Site Plans Issue 07 dated 01/16/2017
7. Town of Ulster Negative Declaration dated 01/11/2016; and

WHEREAS, the Ulster County Legislature has considered the above materials filed with the Clerk of the Legislature; now, therefore be it

RESOLVED, the Ulster County Legislature after review and consideration of the Negative Declaration adopted by the Town of Ulster as filed with the Clerk of the Ulster County Legislature, hereby concurs with the Town of Ulster's determination that the project will not have a significant impact on the environment and a Draft Environmental Impact Statement will not be prepared; and, be it further

RESOLVED, that the Chairman of the Ulster County Legislature is hereby authorized to execute the Non-Exclusive Easement, Right of Way Relocation Agreement and other documents associated with the project any amendments thereto, with Kingston NY Retail LLC in the form as filed with the Clerk of the Ulster County Legislature or as modified with the approval of the County Attorney,

